

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Findings of Fact and Conclusions of Law for Nancy Diaz (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED Nancy Diaz will have judgment against the BOE as follows:

1. Backpay in the amount of \$6,646;
2. LAST Fees in the amount of \$1,094;
3. Pre-judgment interest calculated to be \$2,361; and
4. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Nancy Diaz will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Nancy Diaz's counterfactual monthly service history, as listed on Exhibit A to the Stipulation Regarding Nancy Diaz; and
 - c. Grant Nancy Diaz retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court adopts the Special Master's recommendation that this judgment be certified as final and appealable pursuant to Federal Rule of Civil Procedure 54(b) and expressly determines that there is no just reason for delay for the reasons stated in the Special Master's Report and Recommendation.

This Judgment Entry is certified and entered by the Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated: 1/13/21

ENTERED

/s/ Kimba M. Wood

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.
----- X

:
:
:
: 96 Civ. 8414 (KMW)
:
: **FINDINGS OF FACT**
: **AND CONCLUSIONS**
: **OF LAW FOR**
: **NANCY DIAZ**

1. Pursuant to the Fourth Stipulation Regarding Expedited Class Members entered into by the parties on November 18, 2020, and the parties' Fourth Stipulation Regarding Expedited Hearing Process, dated September 9, 2020, the Special Master recommends the following;
2. Nancy Diaz is a member of the Plaintiff class in this action, and is entitled to monetary and injunctive relief from Defendant, the Board of Education of the City School District of the City of New York ("BOE"), as compensation for the injuries she suffered as a result of what the Court found to be the BOE's discrimination.¹
3. The Special Master rules, and the parties do not contest the Special Master's ruling, that based on the evidence presented, and the Special Master's prior rulings in this action, which have been affirmed by the Court, Nancy Diaz has satisfied her burden of establishing her entitlement to the following monetary relief:
 - a. Backpay in the amount of \$6,646;
 - b. \$1,094 to compensate her for the fees she paid to take the Liberal Arts and Sciences Test; and
 - c. Pre-judgment interest in the amount of \$2,361.

¹ See *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 321]; *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 386].

4. Based on the Special Master's and the Court's prior rulings in this action, Nancy Diaz has satisfied her burden of establishing her entitlement to the following non-monetary relief:
- a. The BOE's internal service, salary, payroll, and human resources systems should be amended to incorporate Nancy Diaz's counterfactual monthly BOE service history, as listed in the column entitled BOE Employment Title on Exhibit A;
 - b. Nancy Diaz should receive retroactive seniority, based on the counterfactual monthly BOE service listed in the column entitled BOE Employment Title on Exhibit A, with respect to salary-step advancement, longevity bonuses, accrual of years of service for pension, post-retirement health care benefits, accrual of CAR days, sabbatical leave rights, restoration of health leave rights, and hardship transfers;
 - c. Pursuant to the procedures set forth in the Pension Stipulation & Order, [ECF No. 1014], the following information regarding Nancy Diaz (the "Pension Inputs") should be imported into the Teachers' Retirement System of the City of New York:
 - i. Date of Birth — [REDACTED], 1963
 - ii. Gender — Female
 - iii. Address — [REDACTED]
Yonkers, NY, 10701
 - iv. Counterfactual date of appointment as a regularly appointed teacher —
July 16, 2000
 - v. BOE Employment Title — As listed in column entitled Title on Exhibit A
 - vi. Annual contractual salary — As listed in column entitled Counterfactual Annual Salary on Exhibit A
 - vii. Monthly contractual salary — As listed in column entitled Counterfactual Monthly Earnings on Exhibit A
 - viii. Dates of breaks in service (if any) — N/A
 - ix. Termination of regularly appointed teacher service (if any) — August 31, 2006
 - x. Retirement date (if any) — N/A

DATED: December 21, 2020